

FORM PTO-1390  
(REV 12-2001)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER  
GTI-1490-USNTRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/516757

INTERNATIONAL APPLICATION NO.  
PCT/US2003/09031INTERNATIONAL FILING DATE  
25 March 2003PRIORITY DATE CLAIMED  
25 March 2002

TITLE OF INVENTION: Minimizing Metal Toxicity During Electroporation Enhanced Delivery of Polynucleotides

APPLICANT(S) FOR DO/EO/US Genetronics, Inc, Dietmar Rabussay

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371 (f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

## Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☒ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 – 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Copy of Form PCT/IB/308; Courtesy Copy of WO2003/051454 A2 & A3; Check . & Self-addressed postage prepaid return postcard.

U.S. APPLICATION NO. (if known) <b>60/340,784</b>		INTERNATIONAL APPLICATION NO. <b>PCT/US2002/040467</b>		ATTORNEY'S DOCKET NUMBER <b>GTI-1480-USN</b>	
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21. ☒ The following fees are submitted:

**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :**

Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... \$ **1110**

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$ **950**

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445 (a)(2)) paid to USPTO ..... \$ **790**

International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$ **750**

International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$ **100**

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☒ 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$
Total claims	7 - 20 =	0	X	\$ 0.00
Independent claims	2 - 3 =	0	X	\$ 0.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				\$ 0.00
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$ 230</b>
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$ 0.00
<b>SUBTOTAL =</b>				<b>\$ 230</b>
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$ 0.00
<b>TOTAL NATIONAL FEE =</b>				<b>\$ 230</b>
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$ 40
<b>TOTAL FEES ENCLOSED =</b>				<b>\$ 270</b>
				Amount to be: refunded \$
				charged \$

**(2 checks - \$230 + \$40)**

a. ☒ A check in the amount of \$ **270** to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☐ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. \_\_\_\_\_. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Daniel M. Chambers, A.P.C.

BIOTECHNOLOGY LAW GROUP

658 Marsolan Avenue

Solana Beach CA 92075

SIGNATURE

**Daniel M. Chambers**

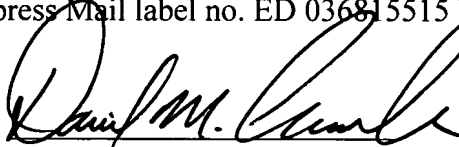
NAME

**34561**

REGISTRATION NUMBER

## **TRANSMITTAL COVER LETTER**

I certify the at the following documents are being transmitted on 4 DEC 2004 to the U.S. PTO (Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, ATTENTION: PCT Legal Staff) via the USPS's "Express Mail – Post Office to Addressee" service using Express Mail label no. ED 036815515 US.



Daniel M. Chambers

### **Application Data:**

International Application No.: PCT/US03/09031, filed 25 March 2003

Priority Application: USSN 60/367,876, filed 25 March 2002

Inventor: Dietmar P. Rabussay

Title: Minimizing Metal Toxicity During Electroporation Enhanced Delivery Of Polynucleotides

### **Documents Enclosed:**

1. Three checks (BLG nos. 1025 - \$40; 1026 - \$230; and 1027 - \$1,370);
2. Petition to Revive an International Application Designating the U.S. due to Unintentional Abandonment – 2 pages;
3. Application Transmittal Letter – 2 pages;
4. Assignment + Recordation Cover Sheet - 2 pages;
5. Declaration – 2 pages;
6. Courtesy Copy – International Bureau Communication of the International Application to the Designated States – 1 page;
7. Courtesy Copy – International Search Report – 2 pages; and
8. International Application – 22 pages (including claims and abstract; no drawings)
9. Receipt Acknowledgement Postcard (stamped, self-addressed)

DT03 Rec'd PCT 04 DEC 2004

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The PTO did not receive the following  
listed item(s) *No Post Card*